

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

TORRANCE DESHUN JOINER,

Plaintiff,

v.

JERRY FLOYD,

Defendant.

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CASE NO: 1:10-cv-91 (WLS)

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed June 2, 2011. (Doc. 23). It is recommended that Defendant's Motion for Summary Judgment (Doc. 18) on Plaintiff's 42 U.S.C. § 1983 claims of Eighth Amendment deliberate indifference to Plaintiff's conditions of confinement and medical needs (*see* Doc. 1) be granted. (Doc. 23 at 8).

The Report and Recommendation provided the Parties with fourteen (14) days<sup>1</sup> from the date of its service to file written objections to the recommendations therein. (*Id.*). The period for filing objections expired on Monday, June 20, 2011;<sup>2</sup> no objections have been filed to date.<sup>3</sup> (*See* Docket).

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<sup>1</sup> The Parties were given an additional three days because service was made by mail. *See* Fed. R. Civ. P. 6(d) (adding three days to specified period within which a party may act if service is made under Rule 5(b)(2)(C) by mailing process to a party's last known address).

<sup>2</sup> Because the actual deadline for filing objections—Sunday, June 19, 2011—fell on a weekend, the deadline was extended to Monday, June 20, 2011. *See* Fed. R. Civ. P. 6(a)(1)(C).

<sup>3</sup> The Report and Recommendation was returned to the Court as "undeliverable." (*See* Doc. 24). The Court finds, however, that it mailed the Report and Recommendation to Plaintiff's correct and most recent address. In September 2010, Plaintiff updated the Court with a correct address, which is the same address from which Plaintiff mailed witness statements a few weeks thereafter and to which Defendant and the Court successfully mailed Plaintiff the subject Motion for Summary Judgment in December 2010 (Docs. 18-20) and the Order notifying Plaintiff thereof in January 2011 (Doc. 22). Plaintiff has the responsibility to update the Court with any changes of address. Yet, the Court has not received any additional mailing address updates from Plaintiff since September 2010.

In view of the absence of any such objection from the record of this case, the Court's consideration of the record of the case as a whole, and the Court's determination of the reasonableness of the findings of the Recommendation, United States Magistrate Judge Langstaff's June 2, 2011 Report and Recommendation (Doc. 23) is **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the reasons stated and conclusions reached herein. Accordingly, Defendant's Motion for Summary Judgment (Doc. 23) is **GRANTED**, and Plaintiff's Complaint (Doc. 1) is **DISMISSED**.

**SO ORDERED**, this 22<sup>nd</sup> day of June 2011.

/s/ W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT COURT**